

**Executive Summary – Enforcement Matter – Case No. 45469**  
**Bollinger Texas City, L.P.**  
**RN100218627**  
**Docket No. 2012-2328-IWD-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

IWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Bollinger Texas City, 2201 Dock Road, Dock 42, Texas City, Galveston County

**Type of Operation:**

Marine vessel and barge manufacturing and repair facility with an associated sanitary package plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** February 22, 2013

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$4,200

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$4,200

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 45469**  
**Bollinger Texas City, L.P.**  
**RN100218627**  
**Docket No. 2012-2328-IWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** October 22, 2012  
**Date(s) of NOE(s):** November 4, 2012

***Violation Information***

Failed to comply with permitted effluent limits for five-day biochemical oxygen demand, chlorine residual, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0004824000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, for Outfall No. 003].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

By July 31, 2012, Respondent reduced waste production, increased solids detention time, increased aeration, adjusted the sludge return lines, and regulated pH by adding baking soda to achieve compliance with its permitted effluent limits.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Nick Nevid, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2612; Debra Barber, Enforcement Division, MC 219, (512) 239-0412  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Max Sparre, Vice President and General Manager, Bollinger Texas City, L.P., P.O. Box 1500, Texas City, Texas 77592  
Monty Bludworth, General Manager, Bollinger Texas City, L.P., P.O. Box 1500, Texas City, Texas 77592  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	12-Nov-2012	<b>Screening</b>	13-Nov-2012	<b>EPA Due</b>	
	<b>PCW</b>	13-Nov-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Bollinger Texas City, L.P.		
<b>Reg. Ent. Ref. No.</b>	RN100218627		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	45469	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-2328-IWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Nick Nevid
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	45.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$450
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<b>Notes</b>	Enhancement for four months of self-reported effluent violations, one NOV with same/similar violations, and one order with denial language.		
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$250
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$459
Approx. Cost of Compliance	\$10,000

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,200
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
<b>Final Penalty Amount</b>	\$1,200

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,200
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$1,200
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Screening Date 13-Nov-2012

Docket No. 2012-2328-IWD-E

PCW

Respondent Bollinger Texas City, L.P.

Policy Revision 2 (September 2002)

Case ID No. 45469

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218627

Media [Statute] Water Quality

Enf. Coordinator Nick Nevid

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for four months of self-reported effluent violations, one NOV with same/similar violations, and one order with denial language.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 45%

Screening Date 13-Nov-2012

Docket No. 2012-2328-IWD-E

PCW

Respondent Bollinger Texas City, L.P.

Policy Revision 2 (September 2002)

Case ID No. 45469

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100218627

Media [Statute] Water Quality

Enf. Coordinator Nick Nevid

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004824000, Effluent Limitations and Monitoring Requirements No. 1, Outfall No. 003

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on October 22, 2012, and as shown in the attached violation table.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended for the quarter containing the month of August 2011.

## Good Faith Efforts to Comply

25.0% Reduction

\$250

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

(mark with x)

Notes

The Respondent achieved compliance by July 31, 2012.

Violation Subtotal \$750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$459

Violation Final Penalty Total \$1,200

This violation Final Assessed Penalty (adjusted for limits) \$1,200

# Economic Benefit Worksheet

**Respondent** Bollinger Texas City, L.P.

**Case ID No.** 45469

**Reg. Ent. Reference No.** RN100218627

**Media** Water Quality

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Aug-2011	31-Jul-2012	0.92	\$459	n/a	\$459

**Notes for DELAYED costs**

Estimated cost to determine the cause of noncompliance and to make any necessary repairs/adjustments to the Facility and return to compliance. Date required is the initial date of noncompliance. Final date is the date when the Facility was back in compliance with effluent limits.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$10,000

**TOTAL**

\$459



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	12-Nov-2012	<b>PCW</b>	13-Nov-2012	<b>Screening</b>	12-Nov-2012	<b>EPA Due</b>	
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## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Bollinger Texas City, L.P.		
<b>Reg. Ent. Ref. No.</b>	RN100218627		
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	45469	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-2328-IWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Nick Nevid
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	45.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$1,125
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**Notes** Enhancement for four months of self-reported effluent violations, one NOV with same/similar violations, and one order with denial language.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$625
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$0  
Approx. Cost of Compliance \$0  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,000
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## OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

<b>Final Penalty Amount</b>	\$3,000
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## STATUTORY LIMIT ADJUSTMENT

<b>Final Assessed Penalty</b>	\$3,000
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## DEFERRAL

0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

No deferral is recommended for Findings Orders.

## PAYABLE PENALTY

\$3,000
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Screening Date 12-Nov-2012

Docket No. 2012-2328-IWD-E

PCW

Respondent Bollinger Texas City, L.P.

Policy Revision 3 (September 2011)

Case ID No. 45469

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100218627

Media [Statute] Water Quality

Enf. Coordinator Nick Nevid

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for four months of self-reported effluent violations, one NOV with same/similar violations, and one order with denial language.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 45%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 45%



Screening Date 12-Nov-2012  
Respondent Bollinger Texas City, L.P.  
Case ID No. 45469  
Reg. Ent. Reference No. RN100218627  
Media [Statute] Water Quality  
Enf. Coordinator Nick Nevid  
Violation Number 1

Docket No. 2012-2328-IWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004824000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on October 22, 2012, and as shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm		
		Major	Moderate	Minor
	Actual			X
	Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. In addition, chlorine residual was considered. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

122 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended for the quarters containing the months of November 2011, December 2011, January 2012, and June 2012.

Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes The Respondent achieved compliance by July 31, 2012.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,000

This violation Final Assessed Penalty (adjusted for limits) \$3,000

# Economic Benefit Worksheet

**Respondent** Bollinger Texas City, L.P.

**Case ID No.** 45469

**Reg. Ent. Reference No.** RN100218627

**Media** Water Quality

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Economic benefit calculations included in accompanying PCW.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$0

**TOTAL**

\$0

**Bollinger Texas City, L.P.**  
**TPDES Permit No. WQ0004824000**  
**Docket No. 2012-2328-IWD-E**

Effluent Violation Table					
Permitted Effluent Limits	Monitoring Period				
	August 2011	November 2011	December 2011	January 2012	June 2012
BOD <sub>5</sub> Daily Average Concentration (Limit = 20 mg/L)	c	c	31.02	38.7	c
BOD <sub>5</sub> Daily Maximum Concentration (Limit = 45 mg/L)	c	68.6	63.5	75.5	c
Chlorine Residual Minimum Concentration (Limit = 1.0 mg/L)	c	c	c	c	0.8
TSS Daily Average Concentration (Limit = 20 mg/L)	20.76	c	c	c	c
TSS Daily Maximum Concentration (Limit = 45 mg/L)	66.5	c	c	c	c

BOD<sub>5</sub> = five-day biochemical oxygen demand  
TSS = total suspended solids  
mg/L = milligrams per liter  
c = compliant



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# Compliance History Report

**PENDING** Compliance History Report for CN600129761, RN100218627, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

**Customer, Respondent, or Owner/Operator:** CN600129761, Bollinger Texas City, L.P. **Classification:** SATISFACTORY **Rating:** 2.94

**Regulated Entity:** RN100218627, BOLLINGER TEXAS CITY **Classification:** SATISFACTORY **Rating:** 4.76

**Complexity Points:** 13

**Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 2201 Dock Road, Dock 42 in the City of Texas City, Galveston County, Texas 77592

**TCEQ Region:** REGION 12 - HOUSTON

## ID Number(s):

**POLLUTION PREVENTION PLANNING ID NUMBER**  
P03155

**INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE**  
REGISTRATION # (SWR) 84327

**AIR NEW SOURCE PERMITS ACCOUNT NUMBER** GB0593H

**AIR NEW SOURCE PERMITS REGISTRATION** 54511

**STORMWATER PERMIT** TXR05Q187

**WASTEWATER PERMIT** WQ0004824000

**AIR EMISSIONS INVENTORY ACCOUNT NUMBER** GB0593H

**INDUSTRIAL AND HAZARDOUS WASTE EPA ID**  
TXR000012203

**AIR NEW SOURCE PERMITS PERMIT** 33054

**AIR NEW SOURCE PERMITS AFS NUM** 4816700123

**AIR NEW SOURCE PERMITS REGISTRATION** 99536

**PETROLEUM STORAGE TANK REGISTRATION**  
REGISTRATION 70426

**WASTEWATER EPA ID** TX0129496

**Compliance History Period:** September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

**Date Compliance History Report Prepared:** November 12, 2012

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 12, 2007 to November 12, 2012

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Nick Nevid **Phone:** (512) 239-2612

## Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |
| 3) If YES for #2, who is the current owner/operator?   | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)?                                     | N/A |
| 5) If YES, when did the change(s) in owner or operator occur?                                      | N/A |

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

- |   |  |  |
|---|--|--|
| 1 | Effective Date: 05/08/2011   | ADMINORDER 2010-1734-IWD-E (1660 Order-Agreed Order With Denial) |
|   | Classification: Moderate   |  |
|   | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)   |  |
|   | 30 TAC Chapter 305, SubChapter F 305.125(1)  |  |
|   | Rqmt Prov:Eff. Limits and Mon. Req. PERMIT   |  |
|   | Description: Failure to comply with permitted effluent limits, as documented during a record review conducted on September 21, 2010. |  |

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	November 26, 2007	(634377)
Item 2	December 27, 2007	(634378)
Item 3	January 21, 2008	(678115)
Item 4	March 17, 2008	(718730)
Item 5	April 22, 2008	(696965)
Item 6	May 20, 2008	(696966)
Item 7	June 20, 2008	(718731)
Item 8	July 21, 2008	(718732)
Item 9	August 20, 2008	(718733)
Item 10	September 30, 2008	(733941)
Item 11	October 22, 2008	(733942)
Item 12	December 01, 2008	(733943)
Item 13	December 29, 2008	(733944)
Item 14	January 21, 2009	(757062)
Item 15	February 19, 2009	(757061)
Item 16	March 25, 2009	(773877)
Item 17	June 18, 2009	(822050)
Item 18	July 21, 2009	(822052)
Item 19	August 21, 2009	(764124)
Item 20	September 22, 2009	(822053)
Item 21	December 21, 2009	(822056)
Item 22	December 15, 2010	(880901)
Item 23	March 21, 2011	(918490)
Item 24	April 25, 2011	(931740)
Item 25	May 23, 2011	(940230)
Item 26	June 22, 2011	(947607)
Item 27	July 22, 2011	(954869)
Item 28	October 24, 2011	(973522)
Item 29	November 21, 2011	(979648)
Item 30	March 22, 2012	(1005712)
Item 31	April 23, 2012	(1012283)
Item 32	May 18, 2012	(1018683)
Item 33	June 22, 2012	(1026417)
Item 34	August 22, 2012	(1040294)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 11/30/2011 (986502)	CN600129761	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 12/31/2011 (992875)	CN600129761	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 01/31/2012 (1000227)	CN600129761	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		

4	Date: 06/30/2012 (1033745) CN600129761 Self Report? YES Classification: Moderate Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter
5	Date: 07/16/2012 (1009383) CN600129761 Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Monitoring Req. PERMIT Description: Failed to maintain compliance with the permitted effluent limits for Outfall 003. Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Monitoring Req. PERMIT Description: Failed to maintain compliance with the permitted effluent limits for Outfall 003. Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Monitoring and Reporting Requirements PERMIT Description: Failed to provide notification of any effluent violation which deviates from the permitted effluent limit by more than 40%. Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Permit Conditions PERMIT Description: Failed to accurately complete the discharge monitoring reports (DMRs). Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 319, SubChapter A 319.9(d) Description: Failed to meet the quality control requirements.

**F. Environmental audits:**

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BOLLINGER TEXAS CITY, L.P.  
RN100218627**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-2328-IWD-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bollinger Texas City, L.P. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a marine vessel and barge manufacturing and repair facility with an associated sanitary package plant at 2201 Dock Road, Dock 42 in Texas City, Galveston County, Texas (the "Facility").

2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review conducted on October 22, 2012, TCEQ staff documented the following from self-reported discharge monitoring reports ("DMRs"):

Effluent Violation Table					
Permitted Effluent Limits	Monitoring Period				
	August 2011	November 2011	December 2011	January 2012	June 2012
BOD <sub>5</sub> Daily Average Concentration (Limit = 20 mg/L)	c	c	31.02	38.7	c
BOD <sub>5</sub> Daily Maximum Concentration (Limit = 45 mg/L)	c	68.6	63.5	75.5	c
Chlorine Residual Minimum Concentration (Limit = 1.0 mg/L)	c	c	c	c	0.8
TSS Daily Average Concentration (Limit = 20 mg/L)	20.76	c	c	c	c
TSS Daily Maximum Concentration (Limit = 45 mg/L)	66.5	c	c	c	c

BOD<sub>5</sub> = five-day biochemical oxygen demand  
TSS = total suspended solids  
mg/L = milligrams per liter  
c = compliant

4. The Respondent received notice of the violations on November 9, 2012.
5. The Executive Director recognizes that by July 31, 2012, the Respondent reduced waste production, increased solids detention time, increased aeration, adjusted the sludge return lines, and regulated pH by adding baking soda to achieve compliance with its permitted effluent limits.

## **II. CONCLUSIONS OF LAW**

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0004824000, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, for Outfall No. 003.
3. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Four Thousand Two Hundred Dollars (\$4,200) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Four Thousand Two Hundred Dollar (\$4,200) administrative penalty.

## **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Four Thousand Two Hundred Dollars (\$4,200) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bollinger Texas City, L.P., Docket No. 2012-2328-IWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

3/3/13  
Date

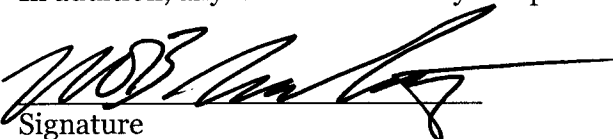
I, the undersigned, have read and understand the attached Agreed Order in the matter of Bollinger Texas City, L.P. I am authorized to agree to the attached Agreed Order on behalf of Bollinger Texas City, L.P., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Bollinger Texas City, L.P. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

3-Jan-13  
Date

Monty Bludworth  
Name (Printed or typed)  
Authorized Representative of  
Bollinger Texas City, L.P.

General Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.